

**Waiver of the Free/Reduced Priced Eligibility Requirement for CACFP Sponsoring Organizations  
Operating Food Service During Unanticipated School Closures Due to COVID-19**  
Louisiana Department of Education (LDOE) Division of Nutrition Support (DNS)

**1. State Agency staff contact information:**

Louisiana Department of Education Division of Nutrition Support  
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**2. Region:** Southwest Region

**3. Eligibility service providers participating in waiver and affirmation that they are in good standing:**

Any LDOE DNS approved CACFP sponsoring organization in good standing, operating food service during an unanticipated school closure due to the COVID-19 outbreak. This waiver would apply to both currently approved CACFP institutions submitting a monthly claim and potential new CACFP applicants.

Since all schools and many child care centers in the State of Louisiana are closed, all approved sponsoring organization would operate under this waiver are operating in communities affected with the COVID-19 outbreak.

**4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:**

Challenge:

As of 1:00pm on March 13, 2020, the Governor of Louisiana issued a mandate closing all public schools across the State starting Monday, March 16, 2020. The Governor also encouraged child care institutions to remain open to assist with caring for children of "front line" staff.

Additionally, on March 24, 2020, President Donald J. Trump approved the Major Disaster Declaration for Louisiana.

Goal:

Louisiana is requesting a waiver of the requirement that for-profit child care centers must be reimbursed only for the calendar months during which at least 25 percent of the children in care were eligible for free or reduced-price meals and that new for-profit centers must have at least 25 percent of the children in care eligible for free or reduced meals during the calendar month preceding initial application or reapplication. At this time, over half of the childcare centers across Louisiana are closed due to the COVID-19 outbreak. Many of the centers remaining open have accepted additional children of "front line" staff. Many centers that traditionally did not accept childcare assistance have changed practices to assist with providing care for the families in need. Since many parents of enrolled children were encouraged to keep their children home, if at all possible, without losing their enrollment in their childcare center, the enrollment documentation does not reflect the current free/reduced eligibility in many of the childcare centers at the present time.

Expected Outcomes:

If allowed, children would continue to be fed much needed meals that otherwise are not available due to a school/center closures and ensures children receive food assistance when needed during an emergency.

**5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:**

The Louisiana Department of Education (LDOE) Division of Nutrition Support (DNS) request a waiver of regulations at 7 CFR 226.11(b)(3) and (c)(4). In addition, DNS requests a waiver of the regulations at 7 CFR 226.2 regarding the definition of for-profit centers at (b)(1) and (b)(2).

**6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**

If approved, LDOE DNS will provide technical assistance to sponsors on the process and procedure for claiming meals and accurate counting and claiming. There are no impacts on technology, State systems, or monitoring.

**7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section (I)(2)(A)(ii) of the NSLA]:**

There are currently no State level regulatory barriers related to this specific issue.

**8. Anticipated challenges State or eligible service providers may face with the waiver implementation:**

Our agency does not anticipate that the establishment of this statewide waiver will pose any additional challenges at the state or sponsor level. Alternatively, we anticipate this waiver will reduce challenges faced by childcare centers that have had a change in student population due to unanticipated school/ center closures because of COVID-19. Children can still benefit from meal service and centers can use encumbered resources.

**9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the cost will be paid from non-Federal funds. [Section 12(I)(1)(A)(ii) of the NSLA]:**

The establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government since these programs would be operating in situations where normal USDA Child Nutrition programs (NSLP/SBP) are closed due to COVID-19. There are no additional staff costs to implement this waiver.

**10. Anticipated waiver implementation date and time period:**

The anticipated waiver implementation start date is March 25, 2020 and is to remain in effect through June 30, 2020. If the federally declared public health emergency extends beyond June 30, 2020, the State will submit an extension to this waiver.

**11. Proposed monitoring and review procedures:**

State agency staff who will approve sponsor's written requests to implement the waiver will monitor implementation of this waiver.

**12. Proposed reporting requirements (include type of data and due dates(s) to FNS:**

By March 2021, LDOE DNS will report to FNS the number of centers that used this waiver, including the number of meals claimed at centers utilizing this waiver.

**13. Link to or copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:**

**Notice to be released:**

The LDOE is seeking waivers from the USDA to support communities in providing meals to children in areas experiencing extended school closures in response to COVID-19.

<https://cnp.doe.louisiana.gov/breakingnews/CACFP-%20Free%20and%20Reduced%20Requirement.pdf>

**14. Signature and title of requesting official:**



**John Dupre**  
Director, Child Nutrition Programs  
Louisiana Department of Education Division of Nutrition Support  
(225)342-3720

**TO BE COMPLETED BY FNS REGIONAL OFFICE:**

*FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.*

**Date request was received at Regional Office:**

- Date Received: \_\_\_\_\_

☐ Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA

- **Regional Office Analysis and Recommendations:**

☐ Recommend Approval

☐ Recommend Denial